**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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| Serial No.: | 10/764,740 | Group Art Unit: | 3714 |
| Filed: | January 26, 2004 | Docket No: | 1842.013US1 |
| Title: | GAMING DEVICE HAVING CONTINUOUS RHYTHM REEL SOUND | | |

## REPLY BRIEF UNDER 37 CFR § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This Reply is presented in response to the Examiner's Answer, (hereinafter the "Answer") dated June 6, 2008.

**(1) Discussion of the rejection of claims 21 and 22 under 35 U.S.C. § 112, first paragraph, as lacking adequate description or enablement.**

The understanding of one embodiment as presented in the Examiner's Answer Brief is correct, and such an embodiment is fully disclosed in the application. As discussed in the original Appeal Brief, this is explicitly disclosed in the examples given in the specification, such as on p, 4, ln. 9-11, which describe continuous play of a track along with fading in and out to maintain track rhythm between reel spins, and in the more detailed example given on p. 4, ln. 19-25, including fading to very quiet levels or fading out completely while the track continues to play inaudibly to maintain rhythm.

The Examiner's Answer Brief appears to argue that the application fails to disclose specifically how reducing the volume is carried out when such detail is not a part of the amendments to the claims. In addition to the method of actually changing the volume not being recited in the claims (or added elsewhere) and therefore not constituting new matter, the method chosen to reduce volume is not of particular importance to the operation of the claim, and reducing volume is well within the scope of what any competent engineer may easily achieve

without undue experimentation.

**(2) Discussion of claims 1, 2, 4-10, 12-18 and 20 under 35 U.S.C. § 102(e) for anticipation by Hecht et al. (U.S. Publication No. 2003/0073491A1)**

The Examiner's Answer Brief states that Hecht's embodiment of paragraph 80 anticipates no modification of a sound file such that there is continuous rhythm, but fails to recognize that the same sentence discloses that the same sound file is played only "throughout the remainder of the random generation display, as indicated by block 130" (with reference to Figure 5).

The discussion presented on p. 10, last paragraph, extending through p. 11 of the original Appeal Brief, explains in greater detail that each reel spin results in a new beginning of the random generation display according to Figure 5 and the paragraphs 80-84 that describe the embodiment shown in Figure 5. More specifically, Figure 5 shows that a random generation display, also called a wheel spin (see, e.g. paragraph 84, first sentence), begins each time after a player selects the spin button at 122, and does not continue between wheel spins.

As stated in the portion of paragraph 80 cited in the Reply Brief, the flowchart of Figure 5 shows at element 130 that the sound played throughout the remainder of the random number generation display is played only between determination of a win for a particular reel spin at 126 and credit roll-up at 132. If the player elects to spin the wheels again at 134, a random outcome for another reel spin is determined "WHILE BEGINNING RANDOM GENERATION DISPLAY" at 124. That is, each reel spin results in a new beginning of the random generation display according to Figure 5 and the accompanying description in paragraphs 80-84.

This understanding of a random generation display as it relates to sound continuity is further supported by paragraph 83, which states that:

> *If the player plays again* as determined in connection with diamond 134, gaming device 10 randomly determines the player's outcome *while beginning the play of a sound file* as indicated by block 124.

The discussion in paragraph 84 of Figure 5, further explains that "...the sound file resets to the original condition or level after each random generation or spin of the reels" referring to the same embodiment shown in Figure 5 as is being described in paragraph 80, further evidencing that each reel spin is an independent random generation.

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Name Shakeerah M. Carrion Signature _____